

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

WILLIAM T. BUSICK

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:02CV483LS

CITY OF MADISON, *ET AL.*

DEFENDANTS

ORDER

This matter came before the court on the Plaintiff's Motion to Stay Proceedings. In this Circuit, the general rule is that the "filing of a valid notice of appeal from a final order of the district court divests that court of jurisdiction to act on the matters involved in the appeal, except to aid the appeal, correct clerical errors, or enforce its judgment so long as the judgment has not been stayed or superseded." *Ross v. Marshall*, 426 F. 3d 745, 751 (5th Cir. 2005). For this reason, when an appeal is taken from a case before this court, its normal practice is to decline to rule on any pending motions until the Fifth Circuit issues an opinion on the appeal. Thus, this matter is effectively stayed until the Fifth Circuit's ruling; however, out of an abundance of caution, the Motion to Stay will be granted, insofar as it requests that further proceedings in this matter be stayed.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion to Stay is hereby **granted**, insofar as it requests a stay of further proceedings in this case, and this case will be assigned to the suspension docket.

IT IS SO ORDERED, this the 12th day of September, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE